

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FRANK S. D'AGOSTINO,

Plaintiff,

vs.

LISA WALSH, *et al.*,

Defendants.

3:12-cv-00005-HDM-WGC

ORDER

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. Plaintiff has submitted a complaint and seeks leave to proceed *in forma pauperis*. (ECF No. 1). In addition to filing the proper affidavit of inability to pay filing fees, a prisoner seeking to proceed *in forma pauperis* “shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint . . . obtained from the appropriate official of each prison at which the prisoner is or was confined.” 28 U.S.C. § 1915(a)(1), (2). Plaintiff in the instant action has failed to submit an *in forma pauperis* application that provides the necessary financial information and includes a financial certificate signed by an authorized prison or jail officer.

IT IS THEREFORE ORDERED that this action is **DISMISSED WITHOUT PREJUDICE** to the filing of a new complaint in a new action, with a proper *in forma pauperis*

1 application in compliance with 28 U.S.C. § 1915(a).

2 **IT FURTHER IS ORDERED** that the Clerk of the Court shall send plaintiff two copies of
3 an *in forma pauperis* application form for a prisoner, one copy of the instructions for same, two
4 copies of a blank 42 U.S.C. § 1983 prisoner civil rights form, and one copy of instructions for the
5 same.

6 **IT IS FURTHER ORDERED** that plaintiff may file a new complaint and *in forma pauperis*
7 application in a new action, but he may not file further documents in this action.

8 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment accordingly.

9 Dated this 17th day of January, 2012.

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UNITED STATES DISTRICT JUDGE
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